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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/615,243	07/13/2000	Masashi Yahara	CANO:009	5020
7590	07/25/2005		EXAMINER	
Rossi & Associates P O Box 826 Ashburn, VA 20146-0826			QUELER, ADAM M	
			ART UNIT	PAPER NUMBER
			2178	

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/615,243

Applicant(s)

YAHARA, MASASHI

Examiner

Adam M. Queler

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responsive to communications: Amendment filed 05/09/2005.
2. Claims 1-30 are pending in the case. Claims 1, 8, and 15 are independent claims.
3. The rejections of claims 1-30 in view of the previously cited art are withdrawn in light of the new rejections below.
4. The objection to the title has been withdrawn in view of Applicant's amendment.
5. The rejection of claims 1-7 under 35 U.S.C. 101 has been withdrawn in view of Applicant's amendment.
6. The rejection of Claims 3-6, 10-13, and 17-19 under 35 U.S.C. 112, second paragraph is withdrawn in view Applicant's amendment.

#### *Claim Rejections - 35 USC § 101*

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. **Claims 8-14 remain rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

The claims recite a system. The term "system" does not carry any implicit meaning of a tangible piece of hardware. Also, none of the elements the claim are necessarily implemented in hardware. Therefore, the claims are at best directed to an arrangement of software and are rejected as not being tangible.

#### *Claim Rejections - 35 USC § 103*

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**10. Claims 1-30 remain rejected under 35 U.S.C. 103(a) as being unpatentable over**

**Hutchings (US005940813A, patented 8/17/1999), and further in view of**

**<http://www.comp.nus.edu.sg/~xuedamin/programs/204/doc.txt> (published 7/23/2001)**

**hereinafter Judge.**

**Regarding independent claim(s) 1, 8, and 15,** Hutchings discloses a list having records of files with priority codes, *which are identifiers with priorities*, indicating a processing order. Hutching discloses executing processing according to the processing order (col. 9, ll. 10-29). Hutchings does not teach that the list, or queue, is displayed. Judge teaches displaying the contents of a queue ("public void print"). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Judge and Hutchings, thereby displaying the list of Hutchings. This would have been desirable for debugging purposes ("public void print").

**Regarding dependent claim(s) 2, 9, and 16,** Hutchings and Judge teach that display a list is obvious as recite in claim 1 above. As Hutching teaches the items have priorities as disclosed above, inherently, they would be shown when the list was displayed.

**Regarding dependent claim(s) 3, 10, and 17,** Hutching teaches the files are processed, or integrated in to the system by their priorities (col. 9, ll. 20-22).

**Regarding dependent claim(s) 4, 11 and 18,** Hutching teaches that the files are copied according the their priorities (col. 9, ll. 20-21).

**Regarding dependent claim(s) 5, 12, and 19,** Hutching teaches that the files are moved according the their priorities (col. 9, ll. 20-21).

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**Regarding dependent claim(s) 6,13, and 20**, Hutching teaches that the files are sorted according to their priorities (col. 9, ll. 20-21).

**Regarding dependent claim(s) 7, 14 and 21**, Hutching teaches marks, such as "S" (col. 9, ll. 23-24).

**Regarding dependent claim(s) 22-30**, Official Notice is taken that all the mediums in the instant claims were well-known in the art, and would have been obvious to one of ordinary skill in the art at the time of the invention to use as storage mediums, because of their wide spread acceptance.

#### *Response to Arguments*

**11. Applicant's arguments filed 05/09/2005 have been fully considered but they are not persuasive.**

**Regarding Applicant's remarks on p. 8 regarding §101 rejections:**

The Office has elaborated on the rejections of claims 8-14.

**Regarding Applicant's remarks on p. 10, regarding claims 1, 8 and 15:**

Applicant alleges that Hutchings does not teach assigning identifiers. However, the Office maintains the priority code themselves are the identifiers, which carry their inherent properties of priority.

#### *Conclusion*

**12. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M. Queler whose telephone number is (571) 272-4140. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AQ



STEPHEN HONG  
PATENT EXAMINER